

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD
JANUARY 18, 2006**

The Greensboro Planning Board met in regular session on Wednesday, January 18, 2006 at 2:20 pm, in the City Council Chamber, 2nd floor, Melvin Municipal Office Building. Board members present were: Vice Chair Dick Hall, Tim Bryson, Mike Fox, Joel Landau, J.P. McIntyre, John Rhodes. Planning staff members present were Dick Hails, Planning Director, Bill Ruska, Alec MacIntosh, Jimmy Person and Ricky Hurley

Vice Chair Hall called the Planning Board into session.

APPROVAL OF MINUTES OF THE DECEMBER 21, 2005 REGULAR MEETING:

Mr. McIntyre moved to approve the minutes of the December 21, 2005 regular meeting, seconded by Mr. Rhodes. The minutes were approved by unanimous vote. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

PUBLIC HEARINGS:

D. RESOLUTION CLOSING HOLLIDAY DRIVE FROM THE SOUTH PROPERTY LINE OF ALLEN SHARPE NORTHWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 131 FEET. (RECOMMENDED)

Mr. Person stated that the southern part of the section requested for closing, which contains a short straight section and a circular turnaround, is paved and City-maintained. The northern part is not. The closing petition has been signed by two of the three abutting owners. The third owner has only 8.72 feet of frontage on the unopened portion of the street and has access to another public street that is paved. The owner of almost all the property on the east side of Holliday Drive is combining his apartment building lot with the abutting lots fronting S. Chapman Street to create a single tract for apartment development and proposes a driveway onto S. Chapman Street as that development's primary access. There is a City sewer line in this portion of Holliday Drive; upon street closing a 20-foot easement will be retained over this line until no longer needed for public service. There is no public water line there. The Technical Review Committee (TRC) felt circumstances here allow the City to make the two required determinations for a street closing and it recommended the closing.

Brent Sievers, 700 Carnegie Place, engineer for the developer, was present to answer any questions the Board members might have.

Andy Clark, PO Box 16694, Greensboro, a property owner on Pomroy Street, sought clarification on exactly what part of Holliday will be closed. Mr. Person pointed out the exact location of the closing to Mr. Clark. Mr. Clark stated he had no objections to the closing.

Mr. McIntyre asked if residents of the apartment complex would be able to exit onto Holliday. Mr. Sievers stated that there would be an exit there, a private driveway.

Mr. McIntyre moved the to recommend the closing to City Council, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

E. ORDINANCE AMENDING TABLE 30-4-5-1, PERMITTED USE SCHEDULE, AND SECTION 30-5-2, DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, TO ADD MUSIC PRODUCTION AND RECORDING AS A PERMITTED USE IN THE GB, HB, CB, CP AND LI ZONING DISTRICTS AND AS A USE PERMITTED WITH DEVELOPMENT STANDARDS IN THE LO, GO-M, GO-H AND LB DISTRICT. (RECOMMENDED)

Mr. Ruska explained the request. It is requested to add music production as a permitted use in the more intensive nonresidential districts and a use permitted subject to development standards addressing sound-proofing, time limits, etc. in some less intensive districts.

The Planning Department recommended the amendment.

There were no speakers at the public hearing.

Vice Chair Hall and Mr. Rhodes expressed concerns about the possibility of extensive noise levels in an existing building, as it is difficult to sound-proof something that is already constructed and converted to an operation of this nature.

Mr. Hails stated that there are provisions in the ordinance that would address any noise issues.

Mr. McIntyre moved to recommend ordinance amendment to City Council, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

A. ORDINANCE CHANGING THE NAME OF WILEY DAVIS ROAD, FROM ITS PRESENT INTERSECTION WITH WEST VANDALIA ROAD SOUTHWESTWARD TO ITS PRESENT INTERSECTION WITH McCUISTON ROAD, TO WEST VANDALIA ROAD. (RECOMMENDED)

B. ORDINANCE CHANGING THE NAME OF McCUISTON ROAD, FROM ITS PRESENT INTERSECTION WITH WEST VANDALIA ROAD EASTWARD TO ITS PRESENT INTERSECTION WITH WILEY DAVIS ROAD, TO WEST VANDALIA ROAD. (RECOMMENDED)

C. ORDINANCE CHANGING THE NAME OF WEST VANDALIA ROAD, FROM ITS PRESENT INTERSECTION WITH McCUISTON ROAD NORTHEASTWARD TO THE URBAN LOOP THOROUGHFARE, TO VANDALIA COURT. (RECOMMENDED)

Mr. Person stated that these street name changes are coming to the Board as a result of road alignment changes occasioned by Urban Loop Thoroughfare construction in the vicinity of these streets. The previous alignments of West Vandalia Road and McCuiston Road are being cut by the Urban Loop. As a result of realignments, the western part of McCuiston Road is becoming a continuous alignment with the western part of W. Vandalia Road and the northeastern part of Wiley Davis Road is becoming a continuous alignment with most of the rest of W. Vandalia Road. After hearing information last month from staff and from Pastor Howard Woods, Jr. of Ebenezer Baptist Church, the Board called a public hearing for this month on the three street name changes, which will require only a few address changes. Under this option the Church is the only building that will have its address changed. One vacant property will also have its address changed. The Technical Review Committee recommends approval of these three street name changes, with the changes becoming effective when construction of the new street alignments across and near the Urban Loop is complete.

Mr. Rhodes moved to recommend to Council the name changes as recommended by staff, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

3. MINOR MODIFICATION OF ZONING CONDITIONAL DISTRICT ZONING CONDITIONS – GARDEN CREEK CENTER ON NEW GARDEN AND HORSE PEN CREEK ROADS – FOR KRUSCH INVESTMENTS, LLC – TO REWORD THE MAXIMUM TOTAL BUILDING AREA AND TO INCREASE MAXIMUM HEIGHT OF SIGNS: (APPROVED)

Alec MacIntosh stated that the property is zoned Conditional District-Shopping Center. The plan before the Board indicates requested modifications on Zoning Conditions #1, #9, and # 12. The City Attorney's Office has determined that the request with regard to Condition #1 is not a minor modification request and that it needs to be submitted to the Zoning Commission in the form of a rezoning request. Zoning Condition # 9 states, "Total building area of all buildings (excluding the two outparcels) shall not exceed 95,000 square feet." There is no stated limitation on building area on the two outparcels. It is proposed to modify the condition to read, "Total building area of all buildings (including the outparcels) shall not exceed 120,000 square feet." To approve a modification, the Board must determine 1) that the modification is a minor one and 2) that one or more of the three grounds for modification are met.

It is a rule of thumb in shopping center development that an acre of land yields about 10,000 square feet of building floor area. There are two outparcels here, with a total area of 2.598 acres; applying this rule of thumb yields a number of 25,980 square feet of building area. Adding that 25,980 to the 95,000 in Condition #9 yields a sum of 120,980, as compared to the 120,000 in the requested modification. The TRC recommends approval of this modification on the grounds of equal or better performance because it feels the reworded condition yields equivalent total building square footage, is simpler, and affords greater design flexibility.

Zoning Condition #12 states, "Freestanding shopping center signs limited to a total of two (2), one at each street frontage with a maximum height of fourteen (14) feet from the top of the curb at the street adjacent to the location of each sign. All other signs must be attached to buildings." The developer proposes to reword the condition to change the maximum sign height to 22 feet. Greensboro Department of Transportation (GDOT) staff and Planning Department staff visited the site and observed that one sign is partially obscured at several points along New Garden Road by landscaping and a retaining wall. GDOT does not feel that a taller sign on either street frontage would offer any safety improvement, and the TRC recommends denial of this sign height modification request.

Derrick Allen, attorney representing the applicant, stated that this property has been developed over the past 10 years and characteristics of this area have changed. In regard to the sign height, the developer really feels that a higher sign than the standard 14 feet would be more conducive to the businesses on this property. Because of the location of this shopping area and another shopping center in the same area, it is difficult to determine which direction to go in to find a particular business and decide which shopping center it actually is located in. There is a problem with the topography in this area. The size of the development and the change in the surrounding development of the property all works against them, making them more difficult to be seen. He feels that the developer has done an excellent job of making this a development that is consistent with the conditions.

Vice Chair Hall pointed out that you almost have to know where a particular business is located before you get to the shopping center because it is very difficult to see the shopping center until you actually get to it.

Board members inquired of staff what effect an increase in sign height would have on nearby properties. Mr. MacIntosh answered that he felt there would be no negative impact, given what the uses directly across New Garden and Horse Pen Creek Road are.

Mr. Bryson moved approval of the requested modifications of Condition 9 and Condition 12, based upon equal or better performance. The Board voted 5-1 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau and Rhodes. Nays: McIntyre.)

ANNEXATION PETITION:

A. AN ORDINANCE ANNEXING PROPERTY OF CARROLLAND CORPORATION ON HINES CHAPEL ROAD AND MCKNIGHT MILL ROAD – 49.579-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Alec MacIntosh stated that this property is about 325 feet southeast of a previous satellite annexation on Desmond Drive and about 375 feet southwest of another (Manchester subdivision) on McKnight Mill Road. It is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. There is a 30-inch City water line along McKnight Mill Road, and a 12-inch water line stubs to Hines Chapel Road about 2,350 feet to the west. There is an 8-inch sewer line ending near the southwest corner of

Manchester. The prospective use is single family residential. Fire service can be provided to this property with moderate difficulty via expansion of an existing contract with the rural fire department already contracted to respond to the previous satellite annexations nearby. The Police Department estimates moderate impact at full buildout. They also pointed out that it will be very important to their long-run ability to respond that the future street system in this property and in future developments nearby be interconnected to provide multiple outlets to McKnight Mill Road and Hines Chapel Road. Other City services can be provided in a manner similar to their provision to the previous satellite annexations nearby. The TRC recommends the annexation.

Marc Isaacson, attorney representing the applicant, was present to answer any questions or concerns by the Board members.

In response to concerns voiced by Mr. Rhodes, Mr. Hails stated that in regard to fire services to this area, it has been determined that there are no real response time issues and staff feels that the needs of the residents will be met in a timely manner.

Mr. Bryson moved to recommend the annexation to City Council, seconded by Mr. McIntyre. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

EASEMENT RELEASES:

A. RESOLUTION AUTHORIZING RELEASE OF ALL OF A 10-FOOT SERVICE EASEMENT RUNNING ALONG THE NORTH PROPERTY LINE AT 4800 TAREYTON DRIVE. (APPROVED)

B. RESOLUTION AUTHORIZING RELEASE OF A PORTION OF A 150-FOOT DRAINAGE MAINTENANCE AND UTILITY EASEMENT ALONG THE WEST SIDE OF THE PROPERTY AT 706 GREEN VALLEY ROAD. (APPROVED)

Mr. Bryson moved approval of the easement releases, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

ITEMS FROM THE DEPARTMENT:

Mr. Hails stated that staff has been experimenting with modifying the materials that are sent to the Board members and trying to expand the mailout to reduce and possibly eliminate the handouts at the meeting.

Mr. Fox stated that it might also be helpful to have each Board member respond to the tentative agenda e-mail with an answer on whether he will be attending that month's meeting.

ELECTION OF CHAIRMAN:

Mr. McIntyre moved to nominate Dick Hall as Chair, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

Mr. McIntyre moved to nominate Mr. Fox as Vice Chair, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Landau, McIntyre and Rhodes. Nays: None.)

APPROVAL OF ABSENCES:

The absence of Mr. Koonce and Mr. Marks was approved.

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There being no further business before the Board, the meeting was adjourned at 3:22 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RW/jd